

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3384

DATE: October 14, 2002

SCHEDULED PLANNING COMMISSION MEETING:

DATE: October 30, 2002

PROPOSAL: To change the zone from R-2, Residential to O-2, Suburban Office District on property located at 201 Capitol Beach Boulevard.

LAND AREA: 17,000 square feet, more or less

CONCLUSION: The commercial use was permitted prior to the 1979 zoning update in residentially zoned land. The O-2, Suburban Office District recognizes the uses.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Block 15 Woods Brothers Lakeview Acres, In the southeast quarter of Section 21, T10N R6E.

LOCATION: Generally located on Capitol Beach Blvd 2 blocks north of W. O Street.

APPLICANT: Marvin S. Krout
Planning Director

OWNER: West Gate Inc.
P.O. Box 83405
Lincoln, NE 68501

CONTACT: Becky Horner
Planning Department
441-6373

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: Law, dental and insurance offices.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2, Residential
South:	Commercial	H-3, Highway Commercial
East:	Church	R-2, Residential
West:	Residential	R-2, Residential

HISTORY: The zone was changed from A-2, Single Family to R-2, Residential during the 1979 zoning update and the transitional lot provision that allowed office uses in residential zoning when abutting a commercial district was eliminated. Immediately following the 1979 update similar areas were rezoned O-2, Suburban Office.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan encourages buffering residential from retail with office. This zone change will allow the existing situation to be more consistent with the 2025 Comprehensive Plan.

ANALYSIS:

1. The main building(West Gate Shopping Center), built in 1967, was extended north in 1973 as part of a transitional lot provision of the Zoning Ordinance. The transitional lot provision allowed certain non-residential uses to extend into residential zones up to 150 feet, which were primarily office. When the zoning ordinance was updated in 1979 the transitional lot provision was eliminated. The intent at that time was to change the zoning of the existing areas that were developed under the transitional lot provision to O-2, Suburban Office District. It appears that the building was unintentionally missed.
2. The change of zone will allow the existing businesses which are all allowed in the O-2, Suburban Office District to conform to the Zoning Ordinance. Without the zone change the portion of the building which extends to the north in the residential district is a nonconforming use. Non-conforming buildings may not be enlarged, extended, converted, reconstructed or structurally altered unless such use is changed to a use permitted in the district or authorized by special permit.
3. Prior to 1979 the transitional lots were not a zoning district, but a provision in the Ordinance. The 1979 zoning update created a new district (O-2, Suburban Office District) for those uses that were created as part of the transitional lot provision. The intention at that time was to change the zoning on all the properties that utilized the transitional lot provision to O-2, however, some of the properties were missed. Some of the areas that were developed under the transitional lot provision include offices at 56th and South Street, 48th and Van Dorn Street, and 48th and Pioneers Boulevard.

Prepared by:

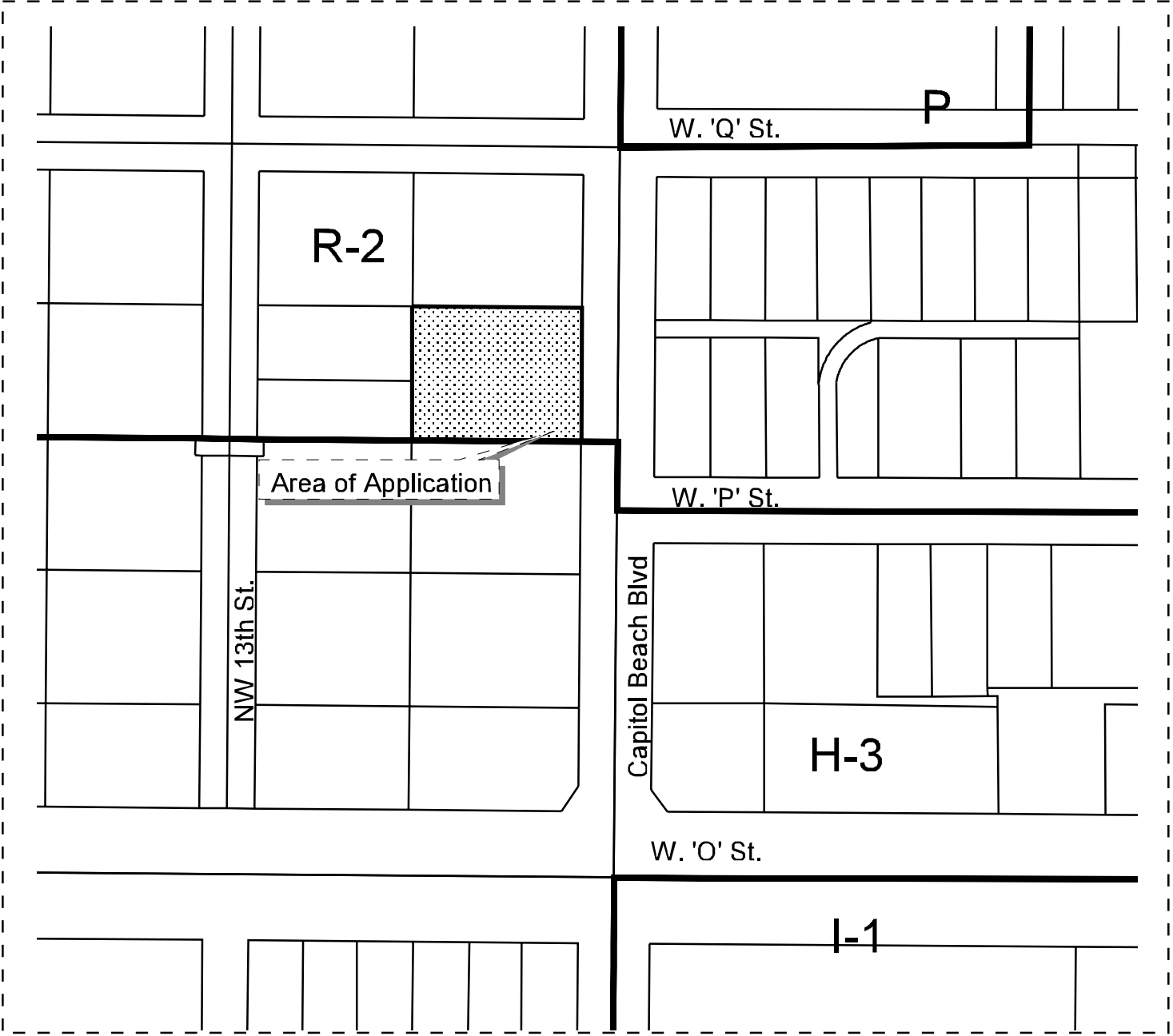
Becky Horner
Planner

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**Change of Zone #3384
201 Capitol Beach Blvd**



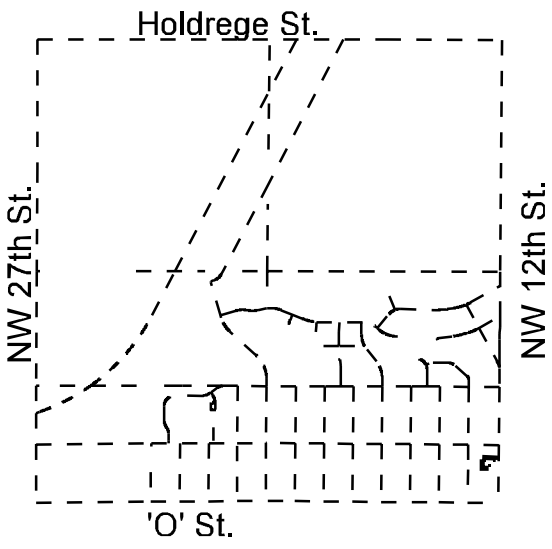
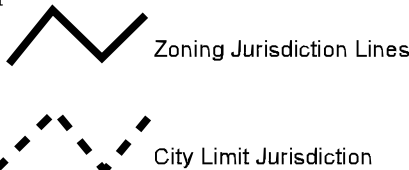


Change of Zone #3384 **201 Capitol Beach Blvd**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 21 T10N R6E



The word "Lincoln" in a stylized, serif font, part of a larger header graphic.The words "Nebraska's Capital City" in a stylized, serif font, part of a larger header graphic.

September 30, 2002

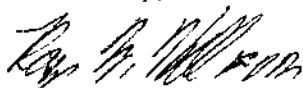
West Gate Inc.
PO Box 83405
Lincoln, NE 68501

RE: 201 Capitol Beach Boulevard

Upon a zoning review in your area, it came to our attention that a portion of your commercial building at 201 Capitol Beach Boulevard is within a residential zone (R-2, Residential). The history of the area revealed that the main building, built in 1967, was extended north in 1973 as part of a transitional lot provision of the Zoning Ordinance. The transitional lot provision allowed certain non-residential uses to extend into residential zones up to 150 feet, which were primarily office. When the zoning ordinance was updated in 1979 the transitional lot provision was eliminated. The intent at that time was to change the zoning of the existing areas that were developed under the transitional lot provision to O-2, Suburban Office District. It appears that the building was unintentionally missed. This causes your building to be a nonconforming use. Non-conforming buildings may not be enlarged, extended, converted, reconstructed or structurally altered unless such use is changed to a use permitted in the district or authorized by special permit.

The Planning Department will initiate a change of zone to O-2 for the portion of your lot that is presently in the R-2 zone in order to bring your building into conformance with the Zoning Ordinance. You will be notified in advance of the hearing of the Planning Commission. Please contact planner Becky Horner if you have questions or concerns at 441-6373.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin S. Krout".

Marvin S. Krout
Director of Planning

CC: Rodger Harris, Building and Safety
File



PLANS AND SPECIFICATIONS CHECKLIST

BUILDING INSPECTIONS DIVISION

City of Lincoln, Nebraska

Project Name Addition to Webster School Center Date Rec'd 12/27/72

Project Address 201 Capital Bldg Bldg Zoning H-29 Fire Zone #3

Occupancy Group M-2 Special Zoning Reqts. Transitional Lot Reg.

Req'd Front Yard 50' Required Rear Yard 30' Side Yards

Architect or Engineer [Signature] Contractor King

Type of Construction IVB-N Structural Checked 12/26/72

Special Construction Reqts. _____

Basic Area _____ Maximum Ht. Permitted 2

Allowed / Floor 9000' Allowable Area _____

Area Dedicated for _____ Increases / Floor 1/3 #3

Req'd Open Space _____ Bsm't. Area _____

No. of Stories 1 Total Area All Stories 6520'

First Floor Area 6520' Upper Floor Areas _____

Access From _____ Areas Required To Be Sprinkled _____

Grade to All Stories _____ Total Approx. Occupant Load 65 Basement Occupant Load _____

Areas With Approved _____ Upper Floor Occupant Loads _____

Auto. Fire Detectors _____ Exit Widths Checked _____

First Floor Occupant Load 65 _____

No. of Exits Per Floor Checked _____ Doors Over Alleys or Sidewalks _____ Ext. Stair Clear. To Gr. or Prop. L. _____

Panic Hdw. _____ Door Swings Checked _____ Req'd. No. of Stairways Provided _____

Exterior Opening Protection Reqts. _____ Distance To Exits Checked _____ Stairway to Roof Req'd _____

Stairways _____ Stair Riser, Tread & Head Clear. Checked _____ Guardrails _____ Attic Access or Draftstop _____

Enclosed _____ Space Under _____ Req'd _____

Proper Distance _____ Stair Enclosed _____ Exit Enclosures Protected _____

Between Landings _____ Vertical _____

Usable Space Under _____ Shafts Protected _____

First Floor Protected _____ Parapets _____ Fire-Resistive Materials Approved _____

Fire-Retardant _____ Required _____

Roof Coverings _____ Light & Ventilation Reqts. Checked _____ No. Toilets Approved _____

Boiler Rm. or Mech'l Rm. _____ Properly Separated _____ Storage or Handling Flammable Liquids _____

Min. Ceiling _____ Min. Superficial Floor _____

Hts. Checked _____ Areas Checked _____ Application for Curb Cuts Made Yes

Does Site Plan Indicate All Existing Structures _____ Check Structure Ht. With Airport Zoning Map if Req'd _____

Sidewalks Shown on Site _____ Access To Public Sewer _____

Plan if Required _____

Access To _____

Public Water Supply _____ Heating Plans Submitted _____ Electrical Plans Submitted _____

Plumbing Plans Submitted _____

If Required To Be Designed by Architect or Engineer is Seal Affixed To All Documents Yes

Arch. Stamp 192

Remarks or Calculations:

Checked by 12/29/72

BUILDING INSPECTIONS DIVISION

1. Severing on No. Side must be examined!

Emergency Det'd?

Can it complete office set up?

Doors into office?

It can't get a permit at all?

Existing Bldg

02-131